

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA

v

DOUGLAS GENE MAYBERRY

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3:06-CV-841-TMH

~~CRIMINAL CASE NO.~~

~~3:96CR51-TMH-VPM~~

~~[WO]~~

O R D E R

Defendant DOUGLAS GENE MAYBERRY ["Mayberry"] has filed a pleading (Doc. No. 949) styled as a "Motion to Alter/Amend Habeas Judgment Pursuant to Fed. Rule Civ. Proc. Rule 60(b)(4)," in which he challenges the conviction and sentence imposed upon him by this court for laundering the money proceeds of a drug conspiracy. A review of the claims presented by Mayberry in his motion indicates that he seeks relief from this court that is appropriate only under the remedy provided by 28 U.S.C. § 2255. Accordingly, the Clerk of this court is hereby DIRECTED to:

1. Open a civil action under 28 U.S.C. § 2255.
2. Docket Mayberry's "Motion to Alter/Amend Habeas Judgment Pursuant to Fed. Rule Civ. Proc. Rule 60(b)(4)" (currently docketed as Doc. No. 949 in Criminal Case No. 3:96CR51-TMH-VPM) in the newly opened civil action.
3. Assign the newly opened case to the Magistrate Judge and District Judge to whom the instant case is assigned; and
4. Refer the case file to the appropriate Magistrate Judge for further proceedings upon completion of the foregoing directives.

Done this 20th day of September, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE